IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.379 OF 2006

Sampat P.Kushre ....Appellant
V/s.
Madhav P. Kushare & Ors. ....Respondents

Mr.P.M. Joshi for the Appellant.

CORAM : S.J. VAZIFDAR, J.
DATED : 21ST AUGUST, 2007.

P.C. :

1. No questions of law arises in this Second Appeal. It is not as if the Appellate Court disregarded Exhibit 55. The document was considered and dealt with by the Appellate Court. Weighing the evidence, the Appellate Court came to the conclusion that there was no partition as alleged by the Appellant/Defendnat and that the said document recorded merely a loan transaction did not establish the parties.

2. Even on the question of limitation, the Appellate Court has come to the conclusion on facts that there was no exclusion of the Plaintiff/Respondent No.1 as alleged by the Appellant.

It is only after this finding of fact the Court held that the question of limitation does not arise.

3. In the circumstances, no question of law arises in this Second Appeal. Hence the Second Appeal is dismissed.